

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
ST. JOSEPH DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	CIVIL ACTION NO.
Plaintiff,)	5:09-cv-06122-FJG
)	
v.)	<u>COMPLAINT</u>
)	
NAPOLI'S ITALIAN RESTAURANT,)	JURY TRIAL DEMAND
)	
Defendant.)	

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, and to provide appropriate relief to Charisse Knorr and other female employees who were adversely affected by such practices. As alleged with greater particularity in paragraph 7 below, Defendant Napoli's Italian Restaurant engaged in unlawful sexual harassment of female employees and constructively discharged female employees.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Sections 706(f)(1) and (3) and 707 of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e-5(f)(1) and (3) and -6 ("Title VII") and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were and are now being committed within the jurisdiction of the United States District Court for the Western District of Missouri, St. Joseph Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Sections 706(f)(1) and (3) and 707 of Title VII, 42 U.S.C. §§ 2000e-5(f)(1) and (3) and -6.

4. At all relevant times, Defendant, Napoli's Italian Restaurant (the "Employer"), has continuously been a proprietorship doing business in the State of Missouri and the City of Maryville, and has continuously had at least 15 employees.

5. At all relevant times, Defendant Employer has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Charisse Knorr filed a charge with the Commission alleging violations of Title VII by Defendant Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since at least January 1008, Defendant Employer has engaged in the following unlawful employment practices at its Maryville, Missouri, restaurant, in violation of Section 703(a) of Title VII, 42 U.S.C. § 2000e-2(a):

- (a) Defendants subjected Charisse Knorr and other female employees to a sexually hostile work environment and sexually harassed them, including making unwelcome sexual comments, requests for sexual favors, and unwelcome touching; and
- (b) Defendants constructively discharged Charisse Knorr and other female employees by creating an intolerable sexually hostile work environment.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Charisse Knorr and other female employees of equal employment opportunities and otherwise adversely affect their status as employees because of their sex.

9. The unlawful employment practices complained of in paragraph 7 above were and are intentional.

10. The unlawful employment practices complained of in paragraph 7 above were and are done with malice or with reckless indifference to the federally protected rights of Charisse Knorr and other female employees.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them, from engaging in sexual harassment or any other employment practice which discriminates on the basis of sex.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for all employees, and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole Charisse Knorr and other female employees, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices.

G. Order Defendant Employer to make whole Charisse Knorr and other female employees, by providing compensation for past and future pecuniary losses resulting from the

unlawful employment practices described in paragraph 7 above, including job search expenses, relocation expenses, and medical expenses, in amounts to be determined at trial.

H. Order Defendant Employer to make whole Charisse Knorr and other female employees by providing compensation for past and future nonpecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial.

I. Order Defendant Employer to pay Charisse Knorr punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

J. Grant such further relief as the Court deems necessary and proper in the public interest.

K. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

JAMES L. LEE
Acting General Counsel

GWENDOLYN YOUNG REAMS
Associate General Counsel

BARBARA A. SEELY
Regional Attorney
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
St. Louis District Office
1222 Spruce Street, Room 8.100
St. Louis, Missouri 63103
(314) 539-7910 (telephone)
(314) 539-7895 (facsimile)
email: barbara.seely@eeoc.gov

/s/ Andrea G. Baran
ANDREA G. BARAN MO #46520
Senior Trial Attorney
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION
400 State Avenue, Suite 905
Kansas City, Kansas 66101
(913) 551-5848 (telephone)
(913) 551-6957 (facsimile)
email: andrea.baran@eeoc.gov

ATTORNEYS FOR PLAINTIFF
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION